

### **ELECTION**

Applicants elect without traverse, Group I as outlined in the office action mailed September 3, 2002, containing Claims 1-29 for further examination in the present application. Further, Applicants elect without traverse, Species A as outlined in the office action (i.e. a transdermal formulation comprising permeation enhancer).

### **REMARKS**

Applicants thank the Examiner for consideration of the subject patent application. In the office action mailed September 2, 2002, claims 1-50 were pending, and made subject to a restriction requirement under 35 U.S.C. § 121. Particularly, the Examiner indicated that Claims 1-29 were drawn to a transdermal formulation (Group I), and Claims 30-50 were drawn to a method for improving memory and cognitive function (Group II). The Examiner additionally indicated that Claims 1 and 29 were generic.

The Examiner also indicated that the claims of Group I contained claims directed to two patentably distinct species of transdermal formulation. Particularly, the Examiner indicated the following species: a) transdermal formulation comprising a permeation enhancer, Claims 1-28; and b) transdermal formulation without permeation enhancer, Claim 29. Therefore claims readable upon the elected species A within the elected Group I include Claims 1-28.

As a result of the present election, Claims 1-28 remain pending for consideration in the present patent application, and Claims 29-50 are withdrawn.

If any impediment remains after consideration of the above-recited remarks, which could be alleviated during a telephone interview, the Examiner is invited to telephone Mr. David Osborne of

this office, or in his absence, the undersigned attorney at (801) 566-6633 so that such issues may be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 20-0100.

DATED this 23rd day of September, 2002.

Respectfully submitted,

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